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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,627	12/05/2001	Christopher Commons	1617.1007	1966

20306 7590 05/06/2004

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EXAMINER

EHICHIOYA, FRED I

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/002,627

Applicant(s)

COMMONS ET AL

Examiner

Fred I. Ehichioya

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, and 21 - 24 is/are rejected.
- 7) ☒ Claim(s) 4 - 15 is/are objected to.
- 8) ☒ Claim(s) 16 - 20 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1 – 15, and 21 24, drawn to application of database or data structure (e.g. distributed, multimedia and image), classified in class 707, subclass 104.1.

Group II. Claims 16 - 20, drawn to a method of query processing (i.e., searching) and query augmenting and refining (e.g. inexact access), classified in class 707, subclass 3.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions listed as Group I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention has separate utility as follows:

Group I has separate utility such as a digital versatile discs (DVD); storing and locating its information in the database.

Group II has separate utility such as searching for a match based on uniquely identifying information from the data to be matched and retrieval of database data.

See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During telephone conversation with Bradley J. Hulbert, Attorney for the Applicant, Registration Number 30,130 on April 15, 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1 – 15, and 21 - 24. Affirmation of this election must be made by applicant in reply to this Office action. Claims 16 – 20 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Objections***

Claims 4 - 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 2, 3, 21, 22, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,356,914 issued to Linden A. deCarmo at al (hereinafter "deCarmo") in view of U.S. Patent 6,377,518 issued to Johannes C. L. Auwens et al (hereinafter "Auwens").

Regarding claims 1 and 24, deCarmo teaches a method of finding at least one record in a database corresponding to a digital versatile disc, comprising:

receiving unique information about an unidentified digital versatile disc, including at least one of a title of the unidentified digital versatile disc, a volume name of the unidentified digital versatile disc, time stamp information for creation of a master of the unidentified digital versatile disc, a number of titles on the unidentified digital versatile disc, a number of chapters per title on the unidentified digital versatile disc, and a number of frames per chapter on the unidentified digital versatile disc (see column 8, lines 26 – 40).

deCarmo does not explicitly teach identifying possibly matching records in a database of information about digital versatile discs using the unique information from the unidentified digital versatile disc.

Auwens teaches explicitly teach identifying possibly matching records in a database of information about digital versatile discs using the unique information from the unidentified digital versatile disc (see column 4, lines 17 – 33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Auwens with the teaching of deCarmo wherein the mapping of information in the database is based uniform disc format. The motivation is that the UDF enables a quick access to the desired sector of information within the DVD.

Regarding claim 2, Auwens teaches comprising reading at least one of the volume name of the unidentified digital versatile disc and the time stamp information for

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creation of a master of the unidentified digital versatile disc from Universal Disk Format sectors of the unidentified digital versatile disc (see column 5, lines 44 – 66).

Regarding claim 3, deCarmo teaches reading at least one of the number of titles, the number of chapters per title, and the number of frames per chapter from Video Manager Information and Video Title Set Information data on the unidentified digital versatile disc (see column 8, lines 44 – 46).

Regarding claim 21, deCarmo teaches a system for finding at least one record in a database corresponding to a digital versatile disc, comprising:

an input unit to obtain data from an unidentified digital versatile disc, including at least one of a title of the unidentified digital versatile disc, a volume name of the unidentified digital versatile disc, time stamp information for creation of a master of the unidentified digital versatile disc, a number of titles on the unidentified digital versatile disc, a number of chapters per title on the unidentified digital versatile disc, and a number of frames per chapter on the unidentified digital versatile disc (see column 8, lines 26 – 40);

a storage unit to store a database of information about digital versatile discs (see column 1, lines 20 – 25).

a processor (see column 4, lines 47 – 53).

deCarmo does not explicitly teach a processor, coupled to said input unit and said storage unit, to identify possibly matching records in the database of information

about digital versatile discs using the unique information from the unidentified digital versatile disc.

Auwens teaches a processor, coupled to said input unit and said storage unit, to identify possibly matching records in the database of information about digital versatile discs using the unique information from the unidentified digital versatile disc (see column 4, lines 17 – 33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Auwens with the teaching of deCarmo wherein the mapping of information in the database is based uniform disc format. The motivation is that the UDF enables a quick access to the desired sector of information within the DVD.

Regarding claim 22, deCarmo teaches wherein said processor, said storage unit and said input unit are connected locally (see Fig.1 and column 4, line 47 through column5, line 15).

Regarding claim 23, deCarmo teaches connections to a computer network to provide communication between said processor and said storage unit disposed at remote locations (see Fig. 1 and column 5, lines 12 – 15).




**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fred I. Ehichioya  
Examiner  
Art Unit 2172  
May 2, 2004

  
SHAHID ALAM  
PRIMARY EXAMINER